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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,935	08/04/2003	Ronald E. Malmin	2003P07967 US	5783

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EXAMINER	
HANNAHER, CONSTANTINE	

ART UNIT	PAPER NUMBER
2884	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/633,935	Applicant(s) MALMIN, RONALD E.	
	Examiner Constantine Hannaher	Art Unit 2884	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Constantine Hannaher
Primary Examiner

Continuation of 11. does NOT place the application in condition for allowance because: Consider first the assertion that Miraldi is not concerned with multiple scintillation elements located between slats. While this is a piecemeal argument in that multiple scintillation elements located between slats is unequivocably disclosed by Zeng and thus their presence is not required in Miraldi, nevertheless, Miraldi discloses multiple scintillation elements closely aligned with the individual channels in the collimator. What happens to the radiation traveling along the path 94 on the right hand side of Fig. 7? Does it simply dissipate past the channel in the collimator? As plainly evident to one of ordinary skill in the art, each collimator channel is aligned with a corresponding scintillation crystal 86. See especially column 5, lines 15-19, discussing the embodiment of Fig. 4 which is the cross-section of the collimator shown only piecemeal in Fig. 7: "With the use of the collimator of FIG. 4, however, it would be necessary to use a pair of scintillation crystals for each pair of openings 50 which meets at a common focal line." Thus, Miraldi discloses a gamma camera in which a plurality of elongated bar detectors strips 86 of scintillating material are stacked, one each in close proximity with the corresponding exit aperture of a collimator channel 50, 51, 52, 53 and their mirror images. Contrary to Applicant's conclusion, Miraldi's solution for the coupling of a plurality of photodetectors to at least one end of a stack of elongated bar detector strips of scintillating material is relevant to the similar configuration shown by Zeng in Fig. 4. While the arguments are fairly dismissed on this basis alone, the characterization of Zeng as requiring the slats 102 and scintillator elements 106 to be above the radiation-receiving face 23 deserves comment. The radiation-receiving face 23 in the gamma camera of Zeng is the collective input face of scintillator elements 106, see for example Fig. 8. As would be understood by anyone with ordinary skill in the art, slats 102 extend from the radiation receiving face 23 towards the direction from which radiation is incident so that the slats 102 may accomplish the function of collimation. See Figs. 9A and 9B which depict the fields of view of scintillator elements 106 in that embodiment. Thus the assertion that Zeng requires some separation of scintillator elements and radiation detecting face is not based on a sound determination of the reference's disclosure. Those with but ordinary skill in the art will conclude that Zeng illustrates gamma cameras in which radiation is incident from "above" on the sheets of drawings--except for Fig. 4 which plainly identifies the field of view as "below" (so the view in Fig. 4 is upside down from that shown in the other views, perhaps because otherwise the scintillator elements 106 wouldn't be seen at all). The sequence of radiation source, collimator channel, scintillator bar, and photodetectors shown in Miraldi matches exactly the sequence required by Zeng of radiation source (field of view), collimator channel (gap 104), scintillator bar (element 106 as radiation receiving face 23 of camera 22), and photodetectors ("the detector elements... are fabricated... in optical communication with a photo diode or other appropriate photodetector"). The Examiner's conclusion of obviousness is accordingly based on a fair determination of the scope and contents of the prior art (at least in part as explained above), an appropriate ascertainment of the differences between the prior art and the claim (Zeng does not illustrate the coupling which the reference plainly discloses, Miraldi's collimator walls are too thick to be judged as slats), and a resolution of the level of ordinary skill in the pertinent art (by reference to the good light collection suggested by Miraldi for the disclosed coupling in a similar configuration), and no objective evidence has been presented for consideration. Applicant's faulty determination of the scope and contents of the prior art as found in the request for reconsideration cannot be a basis for withdrawing this conclusion.